IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 19171 of 2007(G)

PETITIONERS:

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1. PURUSHOTHAMAN M., AGED 39 YEARS,
   ASSISTANT GRADE II, ACCOUNTS SECTION,
   UNIVERSITY OF CALICUT, CALICUT UNIVERSITY P.O.,
   MALAPPURAM.

2. GANESAN P., AGED 37 YEARS,
   ASSISTANT GRADE II, EXAMINATION SECTION,
   UNIVERSITY OF CALICUT, CALICUT UNIVERSITY P.O.,
   MALAPPURAM.

BY ADV. SRI.M.SASINDRAN

RESPONDENTS:

UNIVERSITY OF CALICUT,
REPRESENTED BY ITS REGISTRAR,
CALICUT UNIVERSITY P.O., MALAPPURAM.

BY SRI.P.C.SASIDHARAN, SC, CALICUT UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.19171 OF 2007

Dated this the 2nd day of July, 2007

JUDGMENT

Petitioners were working as Assistant Grade-II in the University of Calicut. Their services were terminated some time back. It is not in dispute that they had been appointed purely on a provisional basis and the University had decided to terminate their services on expiry of the term of engagement.

2. It is contended by the petitioners that the University in fact needs the service of the petitioners, particularly since the results of various examinations held by the University are yet to be published. It is also pointed out that the regular selection process of hands to the above cadre has been held up because of certain litigations.

3. I have perused Ext.P2 judgment rendered by a division bench of this court. In the said judgment, it was directed that daily wage employees who were engaged without resorting to any selection process cannot be allowed

to continue and their appointments can only be treated as “back door appointments”. It was further observed by the Division Bench that no such candidate can be appointed on regular basis. The above observations were made in the light of various complaints raised by several candidates who had been selected for appointment to the cadre in question. The grievance of those selected candidates was that they were not being appointed, though selection process had been completed. It was in the above circumstances that the Division Bench directed the University to complete the selection process within two months from the date of production of a copy of the judgment. It is true that the prayer in this writ petition is for a direction to the University to re-engage the petitioners till regular hands are appointed. But I am afraid the above prayer cannot be allowed especially since the Division Bench in Ext.P2 judgment has categorically held that provisional employees like the petitioners cannot continue in regular vacancies for more than two months from the date of judgment. In that view of the matter, the

University cannot be directed to re-engage the petitioners, especially when the selection process is in progress.

4. Though the learned counsel made a very persuasive submission to issue a direction to the University to consider the representation submitted by the petitioners in this regard, I am not inclined to accede to the above request.

I do not find any merit in the contentions raised by the petitioners. Writ petition fails and it is accordingly dismissed.

A.K.BASHEER, JUDGE

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